

To: Fabiano, Claudia[fabiano.claudia@epa.gov]
From: Fleisig, Erica
Sent: Mon 2/22/2016 7:15:45 PM
Subject: FW: follow up letter to NWEA petition re WA WQS
Petition to Update Washington WQS FINAL (3).pdf
Petition follow up letter Aug 31 2015.pdf
Second follow up letter.pdf

FYI, David thinks we're getting close to Nina filing an unreasonable delay suit, so we had some exchanges about a more substantive response. I'll forward the CMS to the group to see how the timing fits together.

From: Berol, David
Sent: Thursday, February 18, 2016 4:08 PM
To: Szelag, Matthew <Szelag.Matthew@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>
Cc: Schroer, Lee <schroer.lee@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>
Subject: RE: follow up letter to NWEA petition re WA WQS

Attorney-Client Privileged; Deliberative

Matt and Alex –

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

- In their August 31, 2015 follow-up letter, they have three main arguments:

- o The Oregon and Idaho BiOps called jeopardy on arsenic, copper, selenium, cyanide, and mercury and show that Washington needs to revise their criteria for these pollutants:

Ex. 5 - Attorney Client

- o The Orca Recovery Plans show that Washington needs tougher WQS:

Ex. 5 - Attorney Client

- o The Services' criticism of the Industrial Stormwater General Permit shows that Washington needs tougher WQS, for copper in particular.

Ex. 5 - Attorney Client

David Berol

U.S. EPA Office of General Counsel

202-564-6873

berol.david@epa.gov

From: Szelag, Matthew

Sent: Friday, February 12, 2016 12:26 PM

To: Fidis, Alexander <Fidis.Alexander@epa.gov>; Berol, David <Berol.David@epa.gov>

Subject: Fw: follow up letter to NWEA petition re WA WQS

Hi Alex and David,

Attached is a second follow up letter we received from NWEA yesterday regarding WA's aquatic life toxics criteria.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Thanks,

Matt

From: Opalski, Dan
Sent: Thursday, February 11, 2016 12:29 PM
To: Chung, Angela; Szelag, Matthew
Subject: Fwd: follow up letter to NWEA petition re WA WQS

Sent from my iPhone

Begin forwarded message:

From: "McLerran, Dennis" <mclerran.dennis@epa.gov>
Date: February 11, 2016 at 12:07:35 PM PST
To: "Opalski, Dan" <Opalski.Dan@epa.gov>, "Psyk, Christine" <Psyk.Christine@epa.gov>
Subject: Fwd: follow up letter to NWEA petition re WA WQS

FYI

Sent from my EPA iPhone

Begin forwarded message:

From: "Nina Bell" <nbell@advocates-nwea.org>
To: "McLerran, Dennis" <mclerran.dennis@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>
Subject: follow up letter to NWEA petition re WA WQS

Nina

Nina Bell, J.D., Executive Director

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